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BOOK NOTICES.

THE STUDY OF CASES.—Second Edition. By EUGENE WAMBAUGH. Student's Series. Boston: Little, Brown & Company, 1894. Cloth, \$2.50 net; law sheep, \$3.00 net.

This book is described on the title page as a course of instruction in reading and stating reported cases, composing head-notes and briefs, criticising and comparing authorities and compounding digests. The preface states that the aim of the volume is to teach students the methods by which lawyers detect *dicta* and determine the pertinence and weight of reported cases, though the text recognizes that the doctrine, rather than the *dicta*, is the true object in the study of a case. It is designed primarily for beginners, but contains matter of general interest, especially its notes on the history of reporting, its suggestions on the criticism of cases, its examination of the rule of *stare decisis*, and its definition of the limits within which a case has authority as a precedent. The foot-notes are of unusual interest.

It is unfortunate that the value of the book is impaired by its confused arrangement. In the chapter on "How to Find the Doctrine of a Case," which may be taken as an example, the doctrine of Precedent, though not relevant, is constantly referred to, and one of the four general divisions of the chapter is given to the principle that "the court must decide in accordance with a general doctrine." This principle applies in declaring, not in finding, the doctrine, and does not govern the student, but the court. In his treatment of it, the author finds a place under the general division for five subdivisions, most of which have no connection either with the principle itself, or with each other. The first subdivision points out the necessity for eliminating immaterial circumstances; the second states that every case contains at least four propositions; and the third, which might have been made an incident in the statement of the first, points out the difficulty of discriminating between essential and unessential circumstances. These suggestions, howsoever good in themselves, have nothing to do with the court's being controlled by a general doctrine. The author gives in the fourth subdivision a test for determining whether a case is a precedent for a given doctrine; and in the fifth an indispensable mark of the doctrine of a case, the pertinence of both of which is very remote. All that was needed in this chapter was an adequate definition of what constitutes the doctrine of a case, and a few elementary rules of construction.

In section 87 the author gives some very remarkable reasons in justification of the doctrine of Precedent. He says: "Though the old decision was wrong, to many people it seems that justice to the parties to the old case requires the new case to be decided as the old one was decided. Again, to depart from the old decision is to admit that the present judges, or their predecessors, committed a blunder. Again, to follow an accustomed line of thought, is easier than to strike out a new one."

The text occupies 141 pages, after which come seventeen cases for study and three appendices, giving the Regnal Years, the English Term of Court, and Abbreviations. The cases are given without head-notes in order that the student may be exercised in making them for himself. The book contains an index and a table of cases.

Lynchburg, Va.

A. R. LONG.